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Session of Parliament.
ENTITLED,
An Act for the better Suppressing
Tories, and Rapparees; and for prevent-
ing Robberies, Burglaries, and other
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D U B L I N:
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C H A P. XXXIV.

Whereas an Act made in this present Session of Parliament, Entituled, An Act for the better suppressig Tories and Rapparees; and for preventing Robberies, Burglaries, and other hainous Crimes: Hath not had it's due Effect, by Reason there is not in the said Act, sufficient Provision made for prevention of Murthers and Maims, that shall, or may be Committed by such Robber, Tory, or Rapparee. As also, by Reason of other Defects in the said Act, and some Doubts arisen on the same, and Difficulties in Prosecution thereof.

For Remedy therefore of the said Defects, Explaining the said Doubts, and Rendering the Execution of the said Act more easie.

Be it Enacted by the King's Most Excellent Majesty; by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same; That where any person or persons, shall at any time after the Sixth of November, One thousand Six hundred Ninety seven, be Murthered, Maimed, or
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Dismembred by any Robber, Tory, or Rapparee, and the Offender, or Offenders, or the Major part of them shall not be Killed, or Apprehended, and brought before some Justice of the Peace, or other Magistrate, within Six Callendary Months, next after the committal of such Offence, in Order to his, or their being Prosecuted for the same, according to Law. The respective Grand Juries of the severall Counties in this Kingdom, where such Fact shall be committed shall, and are hereby Required, at any Assizes, to be held for such County, within One Year after such Fact committed, to present, and charge upon the Popish, or Protestant Inhabitants of such County respectively, and proportionably, according as the Number of such Robbers, Tories, or Rapparees, shall be Papists, or reputed Papists, or Protestants, as is herein after mentioned, the Summs following: (That is to say) in Case of Murder, such Summ or Summs of Money, not exceeding Twenty pounds; and in Case of Maim, or Dismembering any person, such Summ or Summs of Money, not exceeding Ten pounds, as such Grand Juries on consideration had, of the Quality of the person Murdered, Maimed, and Dismembered, and circumstances of his Family shall think fit; such Summ, in Case of Murder, to be paid to, and for the Use of the Widow, and Children of the party Murdered; or if he shall not be Married at the time of his Death, then to the Use of his Children, or other next Relation: And in case of Maim or Dismembering of any person, then such Summ to be paid to the Use of the person, or persons, so Maimed, or Dismembered; or if he shall Dye before the Recovery thereof, then to the



the Use of his Widow, Children, or other Relations respectively, as is aforesaid, in Case of Further : The said Summ or Summs, not be Assets in the hands of such Widow, Children, or Relations, or liable to answer, or satisfy any Debt or Debts, of the party Deceased ; which Summ so to be Presented, shall be paid by such, and born by the persons in manner, and according to the proportions following : That is to say, Where such Robbers, Tories, or Rapparees are, or shall be Papists, or Reputed of the Popish Religion, by the Papists Inhabitants of such County ; and Where such Robbers, Tories, or Rapparees are, or shall be Protestants, or Reputed to be of the Protestant Religion, by the Protestant Inhabitants of such County, and Where the said Facts shall be committed by Papists and Protestants, then by the Popish and Protestant Inhabitants of such County, in such proportion, and according to the number of such Papists and Protestants, as shall commit the same. For the Levying of which Summ, such Process in the Nature of an Execution, shall Issue on such Presentment against any one, or more of the persons chargeable therewith, and such Contribution had, Taxed, and Levied for his Relief, against all the other persons Chargeable therewith, as is herein-after Appointed in Case of Satisfaction, recovered for Losses, or Injuries suffered by such Robbers, Tories, and Rapparees.

And Whereas the Method appointed by the said former Act, for the person or persons Robbed, or Dammed, by such Robbers, Tories, or Rapparees, to Recover Satisfaction for such Damage, is Tedious, Difficult, and Chargeable.

Be it Enacted by the Authority aforesaid, That in all Cases where any person or persons is by the former Act, Entituled to Recover Amends, or Satisfaction for any Loss or Damage, Incurred, or Suffered by any Robber, Torp, or Rapparee; such person shall, or may pursue his Remedy for Recovery of such Satisfaction, or Amends, at the next Assizes, to be held for the said County, where such Offence was Committed, before the Judge or Judges of Assize, and Grand-Jury of the said County, to be Impannelled, and Sworn at the said Assizes, in the Method following: That is to say, The person or persons so Robbed, shall at the said Assizes, Exhibit and Deliber to the said Judge or Judges of Assizes, his, or their Petition, therein Praying such Satisfaction, and shall set forth in such Petition, the time and place, when, and where, such Robbery was Committed, or other Injury done to him or them, the several particular Goods Lost, or other particular Damages Suffered by him or them, and the particular Value thereof, and by what Number of persons such Robbery was committed, or Injury done, and of what Religion such Offender or Offenders, or any of them were, with the Names and Descriptions of such of the said Offenders as he doth know, and such particular Descriptions of such others of them as he can give; and the said matter shall thereupon, be Examined by such Judge or Judges of Assizes, in open Court, in the presence of such Grand-Jury, on the Oath of the party Robbed, or Injured, and such other Evidence as can be produced touching the said Facts, according to the nature thereof; and the said Grand-Jury shall thereupon,

upon, and are hereby Required, on Consideration of the said Matter, amongst themselves, to make such Presentment touching the same, and of such Summ or Summs of Money, as the person or persons so Robbed or Injured, by such Offenders, ought to have, or receive for such Loss, Injury, or Damage, and by what persons, whether Papists or Protestants, and in what Proportions for each of them, the same ought to be paid, for which Summ so Presented and Set, Process shall Issue, in the nature of an Execution against any Inhabitant, or Inhabitants of the said County, chargeable therewith, and all, and every the Inhabitants of the said County, who shall by such Presentment be made Chargeable With, or Liable to all, or any part of the said Damages, shall be Rateably, and proportionably Taxed for, and towards an equal Contribution for relief of such Inhabitant or Inhabitants, against whom such Process, in the nature of an Execution, is had; which Tax shall be Made, Levied, and Raised, by such Ways and Means, and in such Manner and Form, as is prescribed and mentioned in a former Statute, Intituled, An Act for the following Hue and Cry, made in the Tenth and Eleventh Year of the Reign of King Charles the First, in this Kingdom.

Provided always, and it is hereby Enacted, That if any person or persons shall find him, or themselves Agrieved, by any Presentment to be made in pursuance of this, or the former Act, such person or persons, in Case the Summ Presented to be Raised, do exceed the Summ of Five pounds, shall, or may at the said Assizes Traverse the same, which Traverse, shall be Tried at
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at the same, or the next ensuing Assizes, as the Judge or Judges, who shall allow the same, shall think fit: And if on such Traverse, the Issue shall be found for the Traverser, such Presentment shall be Discharged; and if the Issue shall thereupon be found against the Traverser, he, or they, so Traversing, shall pay to the person or persons, on whose behalf the Presentment was made, the Summ of Twenty Shillings for the Costs of such Traverse, and the said Presentment, shall thereupon be final and conclusive to all persons.

Provided further, and it is hereby Enacted, That Where the person or person so Robbed, or Injured, doth intend to proceed to recover Satisfaction for the same, at any Assizes, against the Popish or Protestant Inhabitants of any Barony, such person or persons, shall leave notice in Writing, with the High-Constable of such Barony, of such his intentions, and against what Inhabitants, whether Papists or Protestants, by the space of Eight days, at least, before such Assizes; to the end that such High-Constable may give publick notice thereof to the Inhabitants of the said Barony, designed to be charged therewith, that they may be provided, and have an opportunity to bring Evidence for themselves, and oppose the making such Presentment, or otherwise may Traverse such Presentment, after the same is made, if they shall think fit.

And it is hereby further Provided, That no such Presentment to be hereafter made, shall at any time be removed by Certiorari, or the Prosecution thereupon otherwise delay'd, then by such Traverse, as aforesaid; and that for such times only, as shall be necessary for the Tryal of such Traverse,

Traverse, as aforesaid; nor shall any such Presentment be at any time quashed for any Informality, Imperfection, or Defect in form whatsoever.

Provided further, and it is hereby Enacted, That when, and as often as any of the Goods, for which the party so Robbed, hath received Satisfaction by such Presentment, as aforesaid, shall be discovered, so as the same, or Satisfaction for them may be recovered, the person or persons upon whom the Summ so Presented, as aforesaid, was Levied, shall have the same, and the property thereof, is hereby Declared and Enacted to belong unto, and be Vested in him or them, and he or they shall or may maintain such Action, and pursue such Remedy for the recovery and getting such Goods, as the person or persons Robbed might have, had or maintained, before such Satisfaction received by such Presentment for the same, as aforesaid: Such Goods nevertheless, after the same shall be so gotten or recovered, to be Sold for the Most the same Will Yield, and the Money made by such Sale, after the Charges for the recovery thereof are deducted, to be distributed, and paid equally and proportionably unto, and among the several persons so Taxed; towards the payment of the Summ contained in the said Presentment, according to each of their said several Taxations, towards the relief of the Persons on whom the Summ Presented was Levied; such Sale and Distribution, to be Directed, Settled, and Ordered by the Justice, or Justices of the Peace, Signing such Taxation; who are hereby Authorized and Required, to Direct, Settle, and Order the same accordingly.

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And it is hereby further Enacted by the Authority aforesaid, That the Clerk of the Crown, for the County, Where such Presentment shall be made, shall on request to him made, make and deliver to any person or persons, desiring the same, true Copies, Signed by him, of all such Presentments hereafter to be made, in pursuance of this, or the said former Act; and of all Warrants or Orders for the Levying of any Money grounded thereupon; for each of which, there shall be paid to the said Clerk of the Crown, the Summ of One Shilling only, and no more, and such Clerk of the Crown, is hereby required to make and deliver the same accordingly.

Provided always, That this Act, or any thing herein contained, shall not extend, or be construed to extend, to annul, or make void any Verdict, Judgment, or other Proceedings already had or obtained in pursuance of the said former Act, but that the same shall continue, and be as good, and effectual, to all intents and purposes, as if this Act had never been made, any thing herein contained to the contrary thereof, in any wise notwithstanding.

Provided always, and it is hereby further Enacted, That during the continuance of this and the said former Act, no Action or Sute shall be brought, or prosecuted, for recovery of any Satisfaction or Damages for any Robbery committed, or Loss, or Injury sustained for which remedy is given by this, or the said former Act, or any other Law or Statute whatsoever.

And

And be it further Enacted by the Authority aforesaid, That if any person or persons, who already hath, or hereafter shall commit any Robbery or Burglary, shall while he is at large, and before he shall be Apprehended, or in Custody for such Offence, make Discovery of any Two, or more, of such Robbers, Tories, or Rapparees, being also at large, and not in Custody, so as such Two, or more Robbers, Tories or Rapparees, shall thereupon be Apprehended, and Convicted for such Offence, or shall Kill any Two, or more, of such Tories, or Robbers, as shall be Indicted, and Proclaimed, according to the said former Act, and be out on their keeping, at the time of such their being Killed, the person or persons so making such Discovery, or Killing such Robbers, or Tories, as aforesaid, shall not be proceeded against, for any Robbery, or Burglary, by him or them committed, before the making such Discovery, or such Killing. as aforesaid; but shall be Intituled unto, and shall have, and receive His Majesty's Gracious Pardon for the same; which Pardon shall in such Case, also be a good Bar to any Appeal, to be brought for such Robbery, or Burglary; and for that it hath, and may be doubted, whether on the bringing such Proclaimed Tory, Rapparee, or Robber to the Bar, before such Judge or Judges, as are Impowered to Try, and Pass such a Sentence on him, it be requisite to give in Evidence against him, the Original Presentment made by the Grand Jury, of his being a Tory, Rapparee, or Robber, out on his keeping, according to the intent and meaning of the said former Act: And also it hath, and may be doubted, whether the Original Proclamation

mation, under the Great Seal, grounded on such Presentment, must be produced in Evidence against him, or Whether the Printed Proclamation Reciting such Presentment to be made, and returned to the Clerk of the Council, of his, the said Tories, Rapparees, or Robbers being so Presented shall be sufficient Evidence at Law, wherein to give Judgment against him.

For clearing Whereof, and that for the future so good and necessary a Law, for the Quiet and Preservation of His Majesty's good Subjects against such Proclaimed Tories, Rapparees and Robbers, may not by any such Scruples and Picties be eluded, or the Execution thereof delay'd.

Be it Enacted by the Authority aforesaid, That at all times hereafter, during the continuance in Force of this, or the said former Act, the Printed Proclamation, wherein any person is named, or mentioned to be Presented, by a Grand-Jury of any County in this Kingdom, at the General Assizes, or Quarter-Sessions, held for the said County, to be a Tory, Rapparee, or Robber, out on his Keeping, shall be taken, deemed, and adjudged sufficient Evidence against such Tory, Rapparee, or Robber.

Provided, That before such Proclamation so given in Evidence, the Clerk of the Council for the time being, or his Deputy, do Certifie under his Hand and Seal, on the Back of such Proclamation, That he hath such Presentment, as by the said Act is required, Returned to him, and remaining in his Office, wherein the said Tory, Rapparee, or Robber is by name Presented, to be a Tory, Rapparee, or Robber,
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out on his Keeping, by the same Name that he is Named, or Stiled in the said Proclamation, and that the said Proclamation was grounded thereon, and that the Original Proclamation, under the Great Seal, agrees Verbatim With the Printed Proclamation, Whereon he has Written such his Certificate, Which Proclamation, With such Certificate endorsed thereon, the said Clerk of the Council, for the time being, or his Deputy, shall send to the several Clerks of the Crown in this Kingdom, Without any Fee or Reward.

And be it further Enacted, That this, and the former Act, shall continue in Force, for Seven Years, from the Sixth of November, One thousand Six hundred Ninety Seven, and to the end of the next Session of Parliament, after the Expiration of the said Seven Years, and no longer.

FINIS.
